

CHAPTER 178

INTERSTATE CORRECTIONS COMPACT

S. F. 75

AN ACT relating to the interstate corrections compact.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. NEW SECTION. This Act may be cited as the "inter-
2 state corrections compact".

1 SEC. 2. NEW SECTION. The interstate corrections compact is
2 hereby enacted into law and entered into by this state with any other
3 states legally joining therein in the form substantially as follows:

INTERSTATE CORRECTIONS COMPACT

ARTICLE I—PURPOSE AND POLICY

6 The party states, desiring by common action to fully utilize and
7 improve their institutional facilities and provide adequate programs
8 for the confinement, treatment and rehabilitation of various types of
9 offenders, declare that it is the policy of each of the party states to
10 provide such facilities and programs on a basis of cooperation with
11 one another, thereby serving the best interests of such offenders and
12 of society and effecting economies in capital expenditures and oper-
13 ational costs. The purpose of this compact is to provide for the
14 mutual development and execution of such programs of cooperation
15 for the confinement, treatment and rehabilitation of offenders with
16 the most economical use of human and material resources.

ARTICLE II—DEFINITIONS

17 As used in this compact, unless the context clearly requires other-
18 wise:

20 1. "State" means a state of the United States; the United States of
21 America; a territory or possession of the United States; the District
22 of Columbia; the Commonwealth of Puerto Rico.

23 2. "Sending state" means a state party to this compact in which
24 conviction or court commitment was had.

25 3. "Receiving state" means a state party to this compact to which
26 an inmate is sent for confinement other than a state in which convic-
27 tion or court commitment was had.

28 4. "Inmate" means a male or female offender who is committed,
29 under sentence to or confined in a penal or correctional institution.

30 5. "Institution" means any penal or correctional facility, including
31 but not limited to a facility for the mentally ill or mentally defective,
32 in which inmates may lawfully be confined.

ARTICLE III—CONTRACTS

34 Each party state may make one or more contracts with any one or
35 more of the other party states for the confinement of inmates on
36 behalf of a sending state in institutions situated within receiving
37 states. Any such contract shall provide for:

38 1. Its duration.

39 2. Payments to be made to the receiving state by the sending state
40 for inmate maintenance, extraordinary medical and dental expenses,
41 and any participation in or receipt by inmates of rehabilitative or
42 correctional services, facilities, programs or treatment not reason-
43 ably included as part of normal maintenance.

44 3. Participation in programs of inmate employment, if any; the

45 disposition or crediting of any payments received by inmates on
46 account thereof; and the crediting of proceeds from or disposal of
47 any products resulting therefrom.

48 4. Delivery and retaking of inmates.

49 5. Such other matters as may be necessary and appropriate to fix
50 the obligations, responsibilities and rights of the sending and receiv-
51 ing states.

52 The terms and provisions of this compact shall be a part of any
53 contract entered into by the authority of or pursuant thereto, and
54 nothing in any such contract shall be inconsistent therewith.

55 ARTICLE IV—PROCEDURES AND RIGHTS

56 Whenever the duly constituted authorities in a state party to this
57 compact, and which has entered into a contract pursuant to Article
58 III, shall decide that confinement in, or transfer of an inmate to, an
59 institution within the territory of another party state is necessary
60 or desirable in order to provide adequate quarters and care or an
61 appropriate program of rehabilitation or treatment, said officials
62 may direct that the confinement be within an institution within the
63 territory of said other party state, the receiving state to act in that
64 regard solely as agent for the sending state.

65 The appropriate officials of any state party to this compact shall
66 have access, at all reasonable times, to any institution in which it has
67 a contractual right to confine inmates for the purpose of inspecting
68 the facilities thereof and visiting such of its inmates as may be con-
69 fined in the institution.

70 Inmates confined in an institution pursuant to the terms of this
71 compact shall at all times be subject to the jurisdiction of the send-
72 ing state and may at any time be removed therefrom for transfer to
73 a prison or other institution within the sending state, for transfer to
74 another institution in which the sending state may have a contractual
75 or other right to confine inmates, for release on probation or parole,
76 for discharge, or for any other purpose permitted by the laws of the
77 sending state; provided that the sending state shall continue to be
78 obligated to such payments as may be required pursuant to the terms
79 of any contract entered into under the terms of Article III.

80 Each receiving state shall provide regular reports to each sending
81 state on the inmates of that sending state in institutions pursuant
82 to this compact including a conduct record of each inmate and certify
83 said record to the official designated by the sending state, in order
84 that each inmate may have official review of his or her record in
85 determining and altering the disposition of said inmate in accordance
86 with the law which may obtain in the sending state and in order that
87 the same may be a source of information for the sending state.

88 All inmates who may be confined in an institution pursuant to the
89 provisions of this compact shall be treated in a reasonable and hu-
90 mane manner and shall be treated equally with such similar inmates
91 of the receiving state as may be confined in the same institution. The
92 fact of confinement in a receiving state shall not deprive any inmate
93 so confined of any legal rights which said inmate would have had if
94 confined in an appropriate institution of the sending state.

95 Any hearing or hearings to which an inmate confined pursuant to
96 this compact may be entitled by the laws of the sending state may be
97 had before the appropriate authorities of the sending state, or of the

98 receiving state if authorized by the sending state. The receiving state
99 shall provide adequate facilities for such hearings as may be con-
100 ducted by the appropriate officials of a sending state. In the event
101 such hearing or hearings are had before officials of the receiving
102 state, the governing law shall be that of the sending state and a record
103 of the hearing or hearings as prescribed by the sending state shall
104 be made. Said record together with any recommendations of the
105 hearing officials shall be transmitted forthwith to the official or offi-
106 cials before whom the hearing would have been had if it had taken
107 place in the sending state. In any and all proceedings had pursuant
108 to the provisions of this subdivision, the officials of the receiving state
109 shall act solely as agents of the sending state and no final determina-
110 tion shall be made in any matter except by the appropriate officials
111 of the sending state.

112 Any inmate confined pursuant to this compact shall be released
113 within the territory of the sending state unless the inmate, and the
114 sending and receiving states, shall agree upon release in some other
115 place. The sending state shall bear the cost of such return to its
116 territory.

117 Any inmate confined pursuant to the terms of this compact shall
118 have any and all rights to participate in and derive any benefits or
119 incur or be relieved of any obligations or have such obligations modi-
120 fied or his status changed on account of any action or proceeding in
121 which he could have participated if confined in any appropriate insti-
122 tution of the sending state located within such state.

123 The parent, guardian, trustee, or other person or persons entitled
124 under the laws of the sending state to act for, advise, or otherwise
125 function with respect to any inmate shall not be deprived of or
126 restricted in his exercise of any power in respect of any inmate con-
127 fined pursuant to the terms of this compact.

128 ARTICLE V—ACTS NOT REVIEWABLE

129 IN RECEIVING STATE: EXTRADITION

130 Any decision of the sending state in respect of any matter over
131 which it retains jurisdiction pursuant to this compact shall be con-
132 clusive upon and not reviewable within the receiving state, but if at
133 the time the sending state seeks to remove an inmate from an insti-
134 tution in the receiving state there is pending against the inmate
135 within such state any criminal charge or if the inmate is formally
136 accused of having committed within such state a criminal offense,
137 the inmate shall not be returned without the consent of the receiving
138 state until discharged from prosecution or other form of proceeding,
139 imprisonment or detention for such offense. The duly accredited
140 officers of the sending state shall be permitted to transport inmates
141 pursuant to this compact through any and all states party to this
142 compact without interference.

143 An inmate who escapes from an institution in which he is confined
144 pursuant to this compact shall be deemed a fugitive from the sending
145 state and from the state in which the institution is situated. In the
146 case of an escape to a jurisdiction other than the sending or receiving
147 state, the responsibility for institution of extradition or rendition
148 proceedings shall be that of the sending state, but nothing contained
149 herein shall be construed to prevent or affect the activities of officers

150 and agencies of any jurisdiction directed toward the apprehension
151 and return of an escapee.

152 ARTICLE VI—FEDERAL AID

153 Any state party to this compact may accept federal aid for use in
154 connection with any institution or program, the use of which is or
155 may be affected by this compact or any contract pursuant hereto and
156 any inmate in a receiving state pursuant to this compact may par-
157 ticipate in any such federally aided program or activity for which the
158 sending and receiving states have made contractual provision, pro-
159 vided that if such program or activity is not part of the customary
160 correctional regimen, the express consent of the appropriate official
161 of the sending state shall be required therefor.

162 ARTICLE VII—ENTRY INTO FORCE

163 This compact shall enter into force and become effective and bind-
164 ing upon the states so acting when it has been enacted into law by
165 any two states. Thereafter, this compact shall enter into force and
166 become effective and binding as to any other of said states upon
167 similar action by such state.

168 ARTICLE VIII—WITHDRAWAL AND TERMINATION

169 This compact shall continue in force and remain binding upon a
170 party state until it shall have enacted a statute repealing the same
171 and providing for the sending of formal written notice of withdrawal
172 from the compact to the appropriate officials of all other party states.
173 An actual withdrawal shall not take effect until one year after the
174 notices provided in said statute have been sent. Such withdrawal
175 shall not relieve the withdrawing state from its obligations assumed
176 hereunder prior to the effective date of withdrawal. Before the effec-
177 tive date of withdrawal, a withdrawing state shall remove to its
178 territory, at its own expense, such inmates as it may have confined
179 pursuant to the provisions of this compact.

180 ARTICLE IX—OTHER ARRANGEMENTS UNAFFECTED

181 Nothing contained in this compact shall be construed to abrogate
182 or impair any agreement or other arrangement which a party state
183 may have with a nonparty state for the confinement, rehabilitation
184 or treatment of inmates nor to repeal any other laws of a party state
185 authorizing the making of cooperative institutional arrangements.

186 ARTICLE X—CONSTRUCTION AND SEVERABILITY

187 The provisions of this compact shall be liberally construed and shall
188 be severable. If any phrase, clause, sentence or provision of this
189 compact is declared to be contrary to the constitution of any par-
190 ticipating state or of the United States or the applicability thereof
191 to any government, agency, person or circumstance is held invalid,
192 the validity of the remainder of this compact and the applicability
193 thereof to any government, agency, person or circumstance shall not
194 be affected thereby. If this compact shall be held contrary to the
195 constitution of any state participating therein, the compact shall
196 remain in full force and effect as to the remaining states and in full
197 force and effect as to the state affected as to all severable matters.

1 SEC. 3. NEW SECTION. The commissioner of social services is
2 authorized and directed to do all things necessary or incidental to
3 the carrying out of the compact in every particular and he may in his
4 discretion delegate this authority to the director of the division of cor-
5 rections.

1 SEC. 4. Chapter two hundred seventeen (217), Code 1973, is
2 amended by adding the following new section:

3 NEW SECTION. An inmate who objects to confinement in a re-
4 ceiving state pursuant to the interstate corrections compact may
5 request a hearing before a board appointed by the governor and
6 serving at his pleasure and composed of three members of the gen-
7 eral public, one of whom shall be a former inmate. Members of the
8 board shall be paid forty dollars per diem and actual and necessary
9 expenses from appropriated funds.

10 The board shall bar the transfer of the inmate to a receiving state
11 when a majority of its members are of the opinion that the transfer
12 does not serve to promote the treatment, rehabilitation, or best inter-
13 ests of the offender. The burden of proof shall lie with the depart-
14 ment of social services and all decisions of the hearing board shall
15 be final.

Approved March 7, 1973.

CHAPTER 179

PLACEMENT OF MENTALLY RETARDED PATIENTS

H. F. 240

AN ACT relating to the placement of patients admitted or committed to the state hospital-schools for the mentally retarded or to a special mental retardation unit in facilities outside those institutions.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section two hundred twenty-two point fifty-nine
2 (222.59), Code 1973, is amended to read as follows:

3 222.59 Superintendent may return patient.

4 1. The superintendent of a hospital-school or a special unit may,
5 on application of the parent or guardian, at any time return a patient
6 to the parent, or guardian, ~~or~~. The superintendent in cooperation
7 with other social agencies under the supervision of the Iowa depart-
8 ment of social services ~~either responsible person or community agency,~~
9 may arrange for the patient to be placed at an appropriate health
10 care facility licensed under chapter one hundred thirty-five C (135C)
11 of the Code or at some other appropriate facility, which may include
12 a foster home or group home, either under an arrangement which
13 involves full-time responsibility for the patient by such facility, or
14 as part of an arrangement under which the patient is to participate
15 in one or more educational, developmental or employment programs
16 conducted by other responsible persons, agencies or facilities. Such
17 return or placement may be made at any time, even though such the
18 patient was committed by a court, upon recommendation of the pro-
19 fessional staff of the hospital-school or special unit that the patient
20 is unlikely to benefit from further treatment, training, instruction,
21 or care at the institution or is likely to improve his life status in an
22 alternate facility.

23 2. In planning for the placement of a patient outside the hospital-
24 school or special unit, it shall be the superintendent's responsibility
25 to arrange for representation of the patient's interest by the patient's